

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

*The Government of Puerto Rico v. Teva
Pharmaceutical Industries, Ltd. et al.,
Case No. 1:22-op-45007*

) MDL 2804

) Case No. 1:17-md-2804

) Judge Dan Aaron Polster

) **ORDER DENYING PUERTO RICO'S**
) **MOTION FOR SANCTIONS AND**
) **COSTS**

On November 11, 2021, Defendant Actavis filed a Notice of Removal in this matter. The J.P.M.L. transferred the above-captioned case to the Northern District of Ohio on February 1, 2022, and Plaintiff filed a Motion to Remand to the Superior Court of Puerto Rico on February 22, 2022. Defendant consented to remand on March 8, 2022, and this Court remanded the case to the Superior Court of Puerto Rico the next day, on March 9, 2022. On March 29, 2022, Plaintiff filed a Motion for Sanctions and Costs incurred due to Defendant's allegedly improper removal to federal court. Defendant filed their Opposition to Plaintiff's Motion on April 12, 2022. Plaintiff did not file a reply.

The Sixth Circuit has held that the proper timeliness requirement for a motion for attorney's fees under § 1447 (c) is found in Fed.R. Civ. P. 54(d)(2)(B), which states that "unless otherwise provided...the motion must be filed and served no later than 14 days after entry of judgment." *Stallworth v. Greater Cleveland Regional Transit Auth.*, 105 F.3d 252 (6th Cir. 2008) (internal citation omitted); *see also Toledo Police Patrolmen's Ass'n v. City of Toledo*, 167 F. Supp. 2d 975, 977 (N.D. Ohio 2001) (stating "[r]igorous application" of 14 day time limit was appropriate). In

this case, the entry of judgment was the remand order published on March 9, 2022. Plaintiff did not file its Motion for Just Costs until March 29, which is outside the 14 day time limit.

Furthermore, Local Rule 7.1 states that any motion “filed beyond the motion deadline established by the Court may be denied solely on the basis of the untimely filing.” N.D. Ohio Civ. R. 7.1(h). Therefore, Plaintiff’s Motion for Sanctions and Costs is denied as untimely.

IT IS SO ORDERED.

/s/ Dan Aaron Polster April 26, 2022
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE